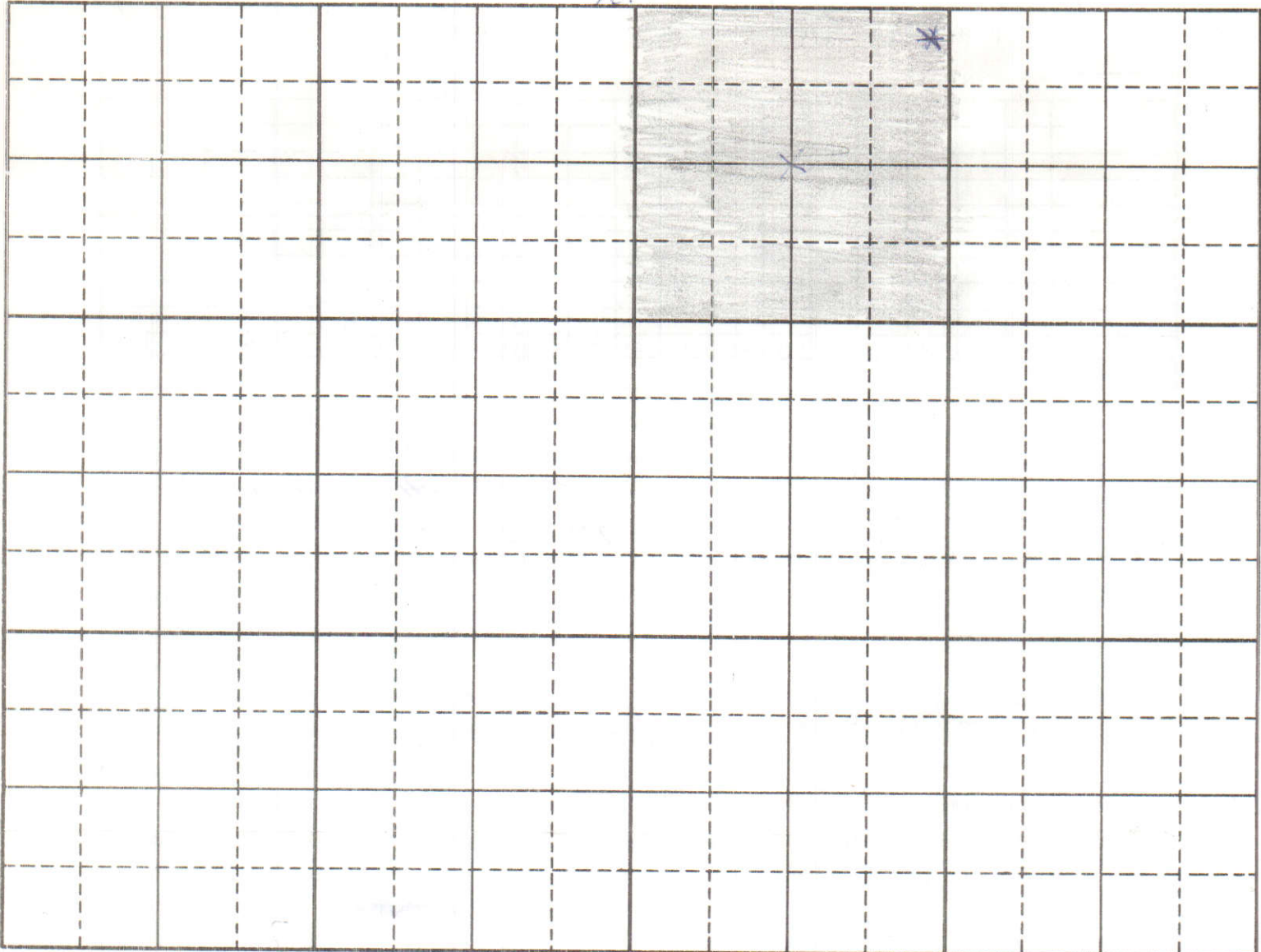


(8) Remarks Well is 115 feet deep - three horsepower pump set at 95 feet - Water raises to eighteen feet of surface



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

ss.

County of ADAMS

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

William H. Smith

Zella M. Smith
(Claimant)

Sworn to before me this 3RD day of December, 19 73.

Edwin A. Lester
Notary Public

Residing at Council, Idaho

My commission expires December 12, 1974

Dist # 13406 For Department Use Only

Received by	<u>ef</u>	Date	<u>12-5-73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by	<u>R.W.H.</u>	Date	<u>12-5-73</u>		claimant by:	
\$10.00 fee received by	<u>ef</u>	Date	<u>12-05-73</u>			
Approved for publication by						
Published in	<u>Adams County Leader</u>					
Dates	<u>12-13 & 12-20-73</u>					

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the " Notice of Claim t
No. 67-4043

as per clipping
hereto attached, was published in the regular and entire issue
of said newspaper, and not in any supplement thereof, for
two (2) consecutive weeks, the first publication of the

same being made in the issue dated " December 13.1973"

and the last in the issue dated December 20.1973
that said newspaper is of general circulation in Adams County
Idaho, printed and published weekly at Council therein and
that said newspaper has been continuously and uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Subscribed and sworn to before me this 24TH

day of December, 19 73

Rues Braun
Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF CLAIM TO A WATER RIGHT No. 67-4043

Notice is hereby given that
WILLIAM H. & ZELLA M.
SMITH, Star Rt., Council, Idaho
has filed a claim to a water right
established by diversion and ap-
plication to beneficial use of 0.1
cubic feet per second of water
from a groundwater source with
the point of diversion in the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, S. 35, T. 17 N., R. 1
W., B.M., Adams County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic use, June 1 to Nov. 1
for stock use & June 1 to Oct. 1
for irrigation of 40 acres with a
priority of Dec. 17, 1960; the place
of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$,
S. 35, T. 17 N., R. 1 W., B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water Ad-
ministration, Statehouse, Boise,
Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Adams Coun-
ty Leader, Council, Idaho on Dec.
13, 1973 and Dec. 20, 1973.

RECEIVED

DEC 27 1973

Department of Water Administration

OK df
12-28-73

67 4043

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that William H and Julia M. Smith
(name of claimant)
of Star Rt Council Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Ground water;

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Ground water

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 4 ~~9~~ gpm Use dom. Period of Use: From Jan 1 To Dec 31
Amount 4 ~~5~~ gpm Use Stock Period of Use: From June 1 To Nov 1
Amount 37 (cfs, gpm or a/f) Use Irr. Period of Use: From June 1 To Oct 1
(dom., irri., stock, etc) R.W.H. (both dates inclusive)

(3) Total quantity of water claimed: 0.1 cubic feet per second, or _____ acre feet per annum, and/or ~~45~~ 45 gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) Dec. 15, 1960

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source) N.W. 1/4 18 1/4, Sec. 35 Twp. 17 N Rge. 1 W B.M. County of Adams
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 3 hp surface pump in

8 inch by 100 foot well and pipe line to be used on 40 acres

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
17N	10W	35	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
				X															

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

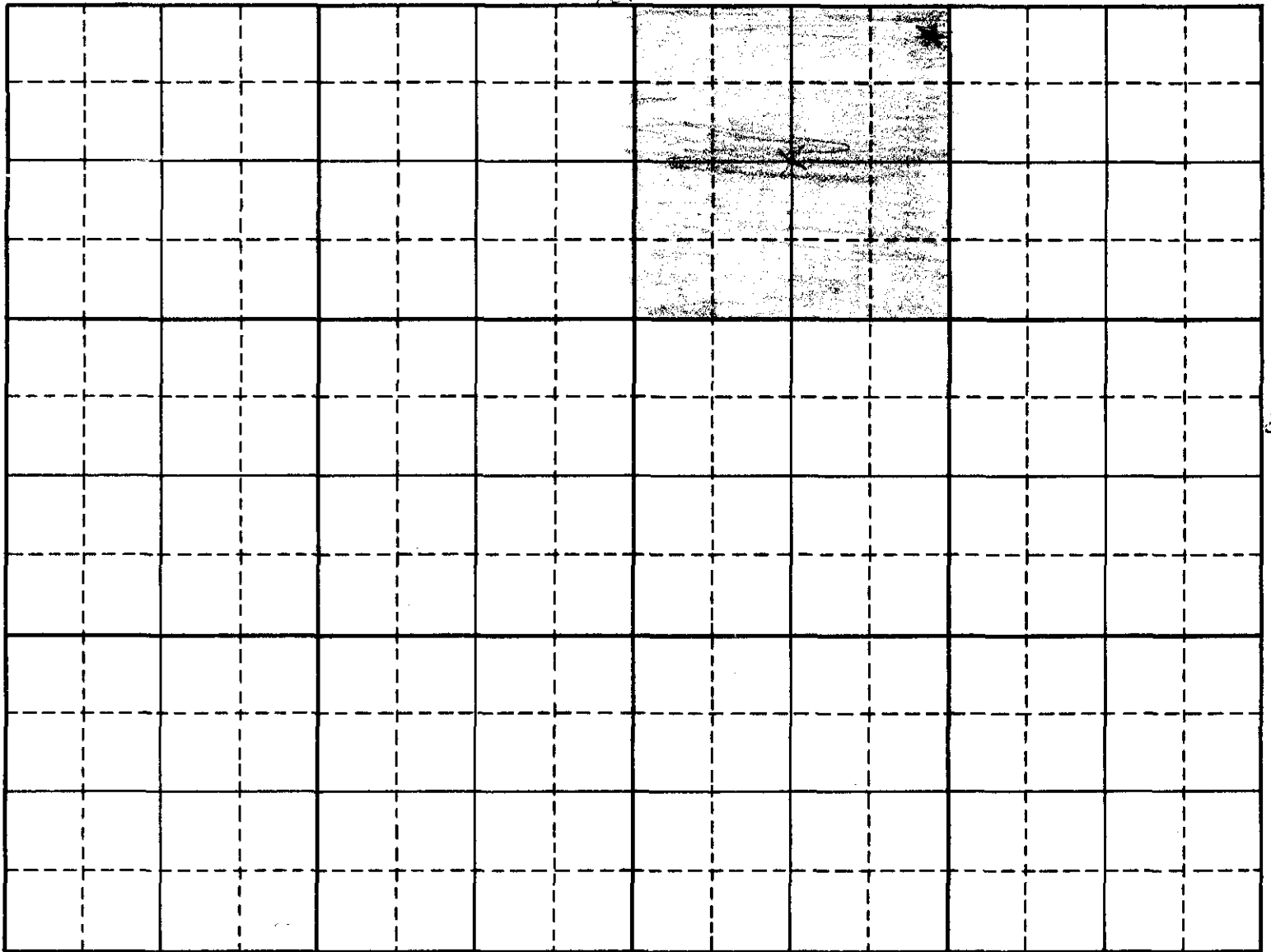
for stock water from June 1 to Nov 1 and
domestic use from Jan 1 to Dec 31

(7) If you are claiming water as a member of an organization, list name of organization: _____

67 4043

(8) Remarks

Field is 115 feet deep. Three horsepower pump set at 95 feet. Water is eighteen feet of surface



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

ss.

County of ADAMS

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

William H. Smith

Gella M. Smith
(Claimant)

Sworn to before me this 3RD day of December, 19 73.

Lawin H. Lester
Notary Public

Residing at Council, Idaho

My commission expires December 12, 1974

Rec'd # 13406 For Department Use Only

Received by	Date <u>12-5-73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.W.H.</u>	Date <u>12-5-73</u>		claimant by:	
\$10.00 fee received by	Date <u>12-05-73</u>			
Approved for publication by				
Published in <u>Adams County Leader</u>				
Dates <u>12-13-73</u> & <u>12-20-73</u>				

INSTRUCTIONS

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Water Administration and you will be provided a copy of such exceptions.

The fee for filing a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District

Idaho Department of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Eastern District

Idaho Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Southern District

Idaho Department of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Western District

Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Well drilled by Ron Rich, Goodrich, Ida

*Original well on ranch purchased from
Joe Garver Dec 17, 1960. Joe Garver
now deceased - refer to Ed Garver
Council, Ida*

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>REB</u>	<u>12/4/73</u>	Application No. <u>67-4043</u>
(2)			☒ Source ☒ Point of Diversion ☒ County ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for B/U of water ☒ Place of Use or Acres Irrigated ☒ Map ☒ Signature ☒ Fee
(3)	<u>REB</u>	<u>12/6/73</u>	In form to receipt
			Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M. ☐ Request Information from Applicant
(5)	<u>REB</u>	<u>12/10/73</u>	In form for advertising
(6)		<u>NA</u>	Located within Water District No. _____
(7)	<u>RWH</u>	<u>12-31-73</u>	Critical groundwater area: yes _____ no ☒
(8)	<u>RWH</u>	<u>12-31-73</u>	Groundwater levels: ☐ Decline (comment) _____ ☒ Stable (comment) _____ ☐ Increasing (comment) _____
(9)			Comments: _____
(10)	<u>df</u>	<u>12-28-73</u>	Affidavit of Publication received (date) <u>df</u>
(11)		<u>NA</u>	Final date for protests _____ Protests received: yes _____ no _____
(12)		<u>NA</u>	Date and Place of hearing _____ Decision reached at hearing _____
(13)		<u>NA</u>	All requested information received from agencies or applicant yes _____ no _____
(14)	<u>RWH</u>	<u>12-31-73</u>	Action recommended: ☒ Approve Priority _____ ☐ Deny Reason for Reduction _____ ☐ Measuring device required ☐ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>Western</u>	By <u>Robert W Hamilton</u>	Date <u>12-31-73</u>

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the " Notice of Claim to
No. 67-4043

as per clipping
hereto attached, was published in the regular and entire issue
of said newspaper, and not in any supplement thereof, for
two (2) consecutive weeks, the first publication of the

same being made in the issue dated " December 13.1973"

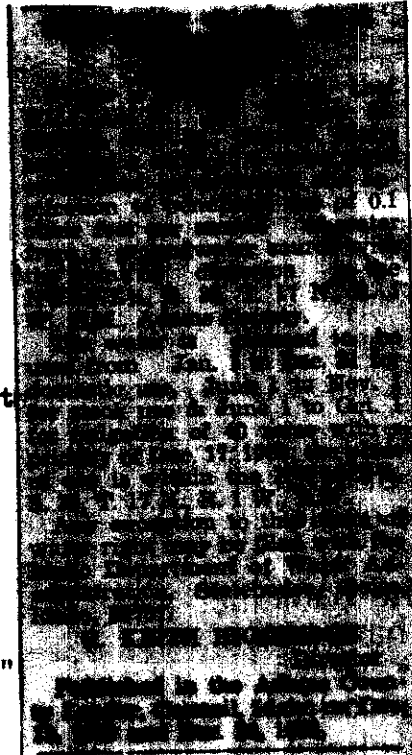
December 20.1973
and the last in the issue dated
that said newspaper is of general circulation in Adams County
Idaho, printed and published weekly at Council therein and
that said newspaper has been continuously and uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Subscribed and sworn to before me this 24TH

day of December, 1973

Notary Public for Idaho,
Residing at Council, Idaho



RECEIVED

DEC 27 1973

Department of Water Administration

OK of
12-28-73

67 4043

ACT
IONN OWNER LAST NAME - SMITH
N OWNER LAST NAME - SMITH
N ADDRESS LINE 1 - STAR RT.FIRST NAME - WILLIAM H.
FIRST NAME - ZELLA M.

CITY - COUNCIL

STATE - ID

N SOURCE - GROUNDWATER
N STAGE - STATRY CLM

PRIORITY - 12-17-1960 COUNTY - ADAMS TOTAL DIV. RATE - .1000CFS

N DIVERSION POINT - NWNE 35 17N 01W

N FROM - 06-01 TO - 10-01 USE - IRRIGATION

USE DIV. RATE - .0800CFS

N FROM - 06-01 TO - 11-01 USE - STOCKWATER

USE DIV. RATE - .0100CFS

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0100CFS

N USE - IRRIGATION

PLACE OF USE - TWN 17N RNG 01W SEC 35 TRACT NWNE

** W ** MISSING ACRES FOR IRRIGATION WATER USE

3/79

IDENT. NO.

IDENT. NO. 67-4043

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 167-4043
Old No. New No.

Record

1. Original Owner: William H. + Zella M. Smith

Present Owner: _____

2. Address: Star St.3. City: Council State: Id Zip: _____4. A. Source of Water: Gr

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): I

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 12-17-1960D. County: 03E. Total Diversion Rate: .1

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWNE</u>	<u>35</u>	<u>17N</u>	<u>1W</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

7. Period of Use, Use, Diversion Rate/Volume:

from 6-1 to 10-1 for A purposes. Amount .08
(cfs or ~~AC-FT/yr~~)from 6-1 to 11-1 for I purposes. Amount .01 cfsfrom 1-1 to 12-31 for D purposes. Amount .01 cfs

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

dc 11-8

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

67-4043

C
November 19, 1973

O
Wm. H. Smith
Star Route
Council, ID 83612

Dear Mr. Smith:

P
Pursuant to your letter request of November 13, 1973, please find enclosed one (1) copy of this Department's Claim to a Water Right form. The instructions for filing this claim are on page three (3) of the form.

As this is a replacement well, you may state in item four, priority claimed, the date you first began using the original well.

If you should have any further questions, or require any assistance in the completion of this form, please do not hesitate to contact this Department.

Y
Sincerely,

DEANNA E. FELDT
Secretary

DEF:d

67-4043

Star Rt
Council, Ida 83612
Nov 13, 1973

Dept of Water Adm.

State House

Annex #2

Boise, Ida

Dear Sirs:

We are drilling a well with
8" casing for house hold, stock
and irrigation. There is a
well on our place that was drilled
25 or more years ago but is
inadequate for our needs.

Will you please send application
blanks for filling and such
information as filling that
we may need. Thank you
yours truly,

Wm H. Smith

67-403

NOV 13 1973

Department of Water Administration

W. H. Smith
Star Rt.
Council, Ida 83612



Dept of Water Adm.
State House
Annex #2
 Boise, Ida 83702

13971

67-4043

INTER-DEPARTMENT MEMO — 1

DATE January 3, 1974

FROM Robert W. Hamilton

TO File No. 67-4043

SUBJECT

Line 3 of this claim shows use as 45 g.p.m. and I added 0.1 c.f.s. and my initial to show the c.f.s. I also contacted Mr. Smith by telephone to check the range ^{Since} ~~it~~ it showed only 1 and neither east or west. He advised me that a "w" should be added. The changes under item 2 were not changed by me.

67 4043

R.W. H.

SIGNATURE

January 3, 1974

William H. & Zella M. Smith
Star Route
Council, Idaho 83612

Re: Claim to a Water Right No. 67-4043

Dear Mr. & Mrs. Smith:

The Department of Water Administration has completed the processing of your claim to a water right and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

Enclosure

67 4043

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 7, 1973

Adams County Leader
Council, Idaho 83612

Re: Claim to a Water Right No. 63-4043 - William H. & Zella M. Smith

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

67 4043

Bill submitted 12-28-73 by df

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4043

Notice is hereby given that WILLIAM H. & ZELLA M. SMITH, Star Rt.,
Council, ID
has filed a claim to a water right established by diversion and application
to beneficial use of 0.1 cubic feet per second ~~NEEDLESS~~ of water
from a groundwater source
with the point of diversion in the NW-NE, S. 35, T. 17 N., R. 1 W., B.M.,
Adams County.
The water is claimed to be used from Jan. 1 to Dec. 31 for domestic use,
June 1 to Nov. 1 for stock use & June 1 to Oct. 1 for irrigation of 40 acres
with a priority of Dec. 17, 1960 ;
the place of use is within the NE-NE, S. 35, T. 17 N., R. 1 W., B.M.,

_____.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council, Idaho
on Dec. 13, 1973 and Dec. 20, 1973.

67 4043

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 6, 1973

William H. Smith
Star Route
Council, Idaho 83612

Re: ~~Claim~~ to a Water Right No. 67-4043

Dear Mr. Smith:

Attached herewith is your Receipt No. 13406 in the amount of \$ 10.00
for Claim to a Water Right No. 67-4043

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

67 4043